

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EVANSTON INSURANCE COMPANY,)
)
 Plaintiff,)
 vs.)
)
 WESTERN COMMUNITY INSURANCE)
 COMPANY and DOES 1 through 10,)
 inclusive,)
)
 Defendants.)

Case No.: 2:13-cv-01268-GMN-CWH

ORDER

Pending before the Court is the Motion to Reconsider (ECF No. 87) and the Motion to Stay (ECF No. 93) filed by Defendant Western Community Insurance Company (“Western”). On March 5, 2015, this Court entered an Order regarding Plaintiff Evanston Insurance Company’s (“Evanston”) Motion for Summary Judgment. (*See* ECF No. 84). In its Order, the Court directed the Clerk of the Court to enter judgment in favor of Evanston in the amount of \$238, 404.06. (Order 8:8–11). Shortly thereafter, Western filed the instant motions.

“[A] motion for reconsideration should not be granted, absent highly unusual circumstances.” *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (citation omitted). Reconsideration is appropriate where: (1) the court is presented with newly discovered evidence, (2) the court committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. *School Dist. No. 1J, Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). However, a motion for reconsideration is not a mechanism for rearguing issues presented in the original filings, *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985), or “advancing theories of the case that could have been presented earlier, *Resolution Trust Corp. v. Holmes*, 846 F. Supp. 1310, 1316 (S.D. Tex. 1994) (footnotes omitted). Thus, Rule 59(e) and 60(b) and are not “intended to give an unhappy

1 litigant one additional chance to sway the judge.” *Durkin v. Taylor*, 444 F. Supp. 879, 889
2 (E.D. Va. 1977).

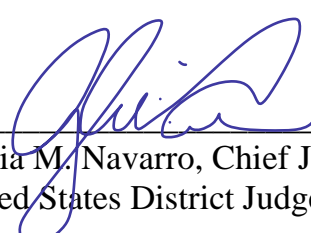
3 In its Motion to Reconsider, Western raises many arguments previously raised in its
4 original filings. The Court has reviewed the prior Order and the arguments presented by
5 Western in its motion and has not found any reason to overturn this Court’s previous Order.
6 The Court finds neither clear error nor manifest injustice in the reasoning of its previous Order.
7 Accordingly, the Western’s Motion to Reconsider is DENIED.

8 Accordingly,

9 **IT IS HEREBY ORDERED** that the Western’s Motion to Reconsider (ECF No. 87) is
10 **DENIED**.

11 **IT IS FURTHER ORDERED** that Western’s Motion to Stay (ECF No. 93) is
12 **DENIED as moot**.

13 **DATED** this 23 day of June, 2016.

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Gloria M. Navarro, Chief Judge
United States District Judge